IN THE UNITED STATE PATENT AND TRADEMARK OFFICE

In re the Application of:

Garvey et al

Application No: 09/478,222

Group Art Unit: 1627

Filed: January 5, 2000

Examiner: B. Celsa

For:

Nitrosated and Nitrosylated Alpha-Adrenergic Receptor Antagonists, Compositions

and Methods of Use

Attorney Docket No: 102258.346

Assistant Commissioner of Patents

Washington, DC 20231

TERMINAL DISCLAIMER

NitroMed, Inc. certifies that it is the owner of the entire right, title and interest in U.S. Application No. 09/478,222, filed January 5, 2000, entitled "Nitrosated and Nitrosylated Alpha-Adrenergic Receptor Antagonists, Compositions and Methods of Use" (hereafter the "aboveidentified application") " by virtue of an assignment recorded in the U.S. Patent and Trademark Office on January 22, 1999, at Reel 9715, Frame 0593.

NitroMed, Inc. also certifies that it is the owner of the entire right, title and interest in U.S. Application No. 09/354,424, filed July 16, 1999, "Nitrosated and Nitrosylated Phosphodiesterase Inhibitor Compounds, Compositions and Their Uses" by virtue of an assignment recorded in the U.S. Patent and Trademark Office on April 30, 1999, at Reel 010080, Frame 0237.

Pursuant to 37 C.F.R. § 1.321, NitroMed, Inc. hereby disclaims the terminal part of any patent granted on the above-identified application, which would extend beyond the expiration date of the full statutory term of any patent issuing from U.S. Application No. 09/354,424, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the legal title to said patent shall be the same as the legal title to any patent issuing from U.S. Application No. 09/354,424, this agreement to run with any patent granted on the above-identified application and to be binding upon the grantor, its successors or assigns.

Terminal Disclaimer U.S. Application No. 09/478,222

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By:

L. Gordon Letts, Ph. D.

Senior Vice President, Research, Chief Scientific Officer

September 19, 2001

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